

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 07-462V

Filed: November 19, 2012

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THURMAN DANIELS,

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NOT TO BE PUBLISHED

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Petitioner,

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v.

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**Special Master Zane**

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

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Decision; Attorneys' Fees and Costs

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Respondent.

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*Michael A. London, Esq.*, Douglas & London, New York, NY, for Petitioner;  
*Voris Johnson*, United States Dep't. of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS<sup>1</sup>**

On October 26, 2012, Petitioner filed his Statement of Fees and Costs, which he represented was unopposed. Respondent has filed no response to that statement. As set forth in Petitioner's submission, after informal discussions with Respondent, Petitioner requests a total award of \$97,500.00, to which Respondent does not object. In accordance with General Order #9, Petitioner represents that Petitioner incurred no personal litigation costs. In accordance with 42 U.S.C. § 300aa-15(e), the undersigned awards the amount to which Respondent does not object.

Petitioner alleges that he suffered from Acute Disseminated Encephalomyelitis ("ADEM") that was caused in fact by his receiving an influenza ("flu") vaccination on November 13, 2003.

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<sup>1</sup> The undersigned intends to post this decision on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

On May 20, 2010, the previously assigned Special Master determined that Petitioner was entitled to compensation. Thereafter, Respondent filed a Proffer on Award of Compensation that set forth the parties' agreement as to the amount of compensation to be awarded. On February 16, 2012, a decision awarding compensation was entered. Because Petitioner has been awarded compensation, Petitioner is entitled to an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Upon review of Petitioner's submission, to which Respondent does not object, Petitioner requests an award of \$97,500.00, in attorneys' fees and costs. The undersigned finds that the amount requested is reasonable. Based on the request's reasonableness and pursuant to Vaccine Rule 13, the undersigned **GRANTS** Petitioner's request as outlined in the submission. In accordance with 42 U.S.C. §§ 300aa-15(b) and (e)(1), the undersigned awards the amount to which Respondent has agreed. The judgment shall reflect that Petitioner is awarded attorneys' fees and costs as follows:

**in a check made payable jointly to Petitioner, Thurman Daniels, and Petitioner's counsel, Michael A. London, Douglas & London, in the amount of \$97,500.00.**

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/ Daria Zane  
Daria J. Zane  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.